

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF OKLAHOMA**

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
-vs-)	No. CR-14-123-C
)	
PAULA KLUDING,)	
)	
Defendant.)	

FINAL ORDER OF FORFEITURE

The Court has reviewed the United States' Motion for a Final Order of Forfeiture (Doc. No. 181). The Court finds:

Pursuant to Title 18, United States Code, Sections 981(a)(1)(C) and 982(a)(7), and Rule 32.2(b)(2) of the Federal Rules of Criminal Procedure, this Court previously entered a Preliminary Order of Forfeiture imposing a money judgment in the amount of \$2,519,813.33 against Defendant Paula Kluding. On January 24, 2020, Plaintiff filed an Amended Motion for Forfeiture of Substitute Property identifying four pieces of real property to forfeit to partially satisfy the outstanding money judgment. The four pieces of real property (together, the "Real Property") sought for forfeiture are described below:

1. Real property located at 335742 E Highway 62, McLoud, Oklahoma, 74851; Parcel No. 0000-18-12N-03E-4-002-00, together with its buildings, improvements, appurtenances, fixtures, attachments and easements, more particularly described as:

The Southeast Quarter (SE/4) of Section Eighteen (18), Township Twelve (12) North, Range Three (3) East of the Indian Meridian, Lincoln County, Oklahoma, being described as commencing at the Southeast Corner of said Southeast Quarter (se/4); thence West a distance of 1190 feet to the point of beginning; thence continuing Westerly along said line a distance of 400 feet; thence North and perpendicular to the South line a distance of 1500 feet; thence East a distance of 400 feet; thence South a distance of 1500 feet to the point of beginning.

LESS AND EXCEPT that property conveyed by Paula Kluding, as Trustee of the Paula Kluding Revocable Living Trust dated 01/19/2010, to the Dept. of Transportation of the State of Oklahoma, dated 01/22/2015, filed 03/18/2015 and recorded in Book 2150, Page 683, Lincoln County, OK records.

2. Real property located at E Highway 62, McLoud, Oklahoma, 74851; Parcel No. 0000-18-12N-03E-3-001-00, together with its buildings, improvements, appurtenances, fixture, attachments and easements, more particularly described as:

The East Half of the Southwest Quarter (E/2 S W/4) of Section Eighteen (18), Township Twelve (12) North. Range Three (3) East of the Indian Meridian, Lincoln County, Oklahoma, containing 80 Acres, more or less.

3. Real property located at E Highway 62, McLoud, Oklahoma, 74851; Parcel No. 0000-18-12N-03E-4-001-00, together with its buildings, improvements, appurtenances, fixtures, attachments and easements, more particularly described as:

The Southeast Quarter (SE/4) of Section Eighteen (18), Township Twelve (12) North, Range Three (3) East of the Indian Meridian, Lincoln County, Oklahoma, EXCEPT a tract of land described as beginning at the SE/c of said SE/4; thence West 1190 feet to the point of beginning; thence West 400 feet;

thence North 1500 feet; thence East 400 feet; thence South 1500 feet to the point of beginning, EXCEPT a tract described as beginning at the SE/c SE1/4; thence S 89°27'05" W along the South line of said SE1/4 a distance of 2638.08 feet to the SW/c said SE1/4; thence N 00°28'02" W along the West line of said SE1/4 a distance of 50.00 feet to a point on the present North right of way line of U.S. Highway No. 62; thence N 89°27'05" E along said North line a distance of 123.00 feet; thence N 80°55'15" E a distance of 505.60 feet; thence N 89°27'05" E a distance of 200.00 feet; thence S 84°50'16" E a distance of 201.00 feet; thence N 89°27'05" E a distance of 600.00 feet; thence S 83°53'39" E a distance of 302.03 feet; thence N 89°27'05" E a distance of 715.25 feet to a point on the East line of said SE1/4; thence S 00°21'10" E along said East line a distance of 70.00 feet to the point of beginning.

LESS AND EXCEPT that property conveyed by Paula Kluding, as Trustee of the Paula Kluding Revocable Living Trust dated 01/19/2010, to the Dept. of Transportation of the State of Oklahoma, dated 01/22/2015, filed 03/18/2015 and recorded in Book 2150, Page 683, Lincoln County, OK records.

4. Real property located at W Highway 62, McLoud, Oklahoma, 74851; Parcel No. 9295-00-000-001-0-000-00, together with its buildings, improvements, appurtenances, fixture, attachments and easement, more particularly described as:

A part of lot one (1), HOMESTEAD, an addition to Lincoln County, Oklahoma, according to the recorded plat thereof, LESS AND EXCEPT the Northeast 3 acres being described as follows: Beginning at the Southeast corner of said Lot 1; thence S 88°18'21" W a distance of 234.05 feet; thence N 00°31'52" W a distance of 561.36 feet to a point on the North line of said Lot 1; thence N 89°28'08" E a distance of 234.0 feet; thence S 00°31'52" E a distance of 553.52 feet to the point of beginning, said tract contained 39.06 acres, more or less.

LESS AND EXCEPT that property conveyed by Paula Kluding, as Trustee of the Paula Kluding Revocable Living Trust dated 01/19/2010, to the Dept. of Transportation of the State of Oklahoma, dated 01/22/2015, filed 03/18/2015 and recorded in Book 2150, Page 683, Lincoln County, OK records.

The Court's Primary Order further directed the United States to provide notice to any persons known to assert an interest, as well as publishing notice stating the intent of the United States to dispose of the property in accordance with the law, and further notifying all third parties of their right to petition the Court within thirty (30) days for a hearing to adjudicate the validity of their alleged legal interest in the property.

Notice of this forfeiture and the requirements for filing a claim for the property was published on the government's website at www.forfeiture.gov for thirty (30) consecutive days beginning on April 14, 2020, and ending on May 13, 2020, for at least 18 hours per day. (*See* Doc. No. 181-1). A copy of the Preliminary Order of Forfeiture was also provided to the following parties:

- (a) Bret A. Glenn, attorney representing the defendant and petitioners, by Notice of Electronic Filing on April 2, 2020. (*See* Doc. No. 162);
- (b) Paula Kluding, Trustee for Paula Kluding Revocable Living Trust, c/o of Bret A. Glenn, by certified mail, receipt number 7019 1640 0001 9682 3779, on April 7, 2020. (*See* Doc. No. 181-2, Certified Mail Domestic Return Receipt and Cerified Mail Receipt).
- (c) Paula Kluding, Trustee for Paula Kluding Revocable Living Trust, by certified mail, receipt number 7019 1640 0001 9682 3748, on April 7, 2020. (*See* Doc. No. 181-3, Certified Mail Domestic Return Receipt and Certified Mail Receipt).

- (d) Paula Kluding, Trustee for Paula Kluding Revocable Living Trust, by certified mail, receipt number 7019 1640 0001 9682 3755, on April 7, 2020. (*See* Doc. No. 181-4, Certified Mail Domestic Return Receipt and Certified Mail Receipt).
- (e) Christopher Kluding, petitioner, c/o of Bret A. Glenn, by certified mail, receipt number 7019 1640 0001 9682 3731, on April 7, 2020. (*See* Doc. No. 181-5, Certified Mail Domestic Return Receipt and Certified Mail Receipt).
- (f) Kaitlyn Alyssa Chambers and Dylan Chambers, petitioners, c/o Bret A. Glenn, by certified mail, receipt number 7019 6140 0001 9682 3724, on April 7, 2020. (*See* Doc. No. 181-6, Certified Mail Domestic Return Receipt and Certified Mail Receipt).
- (g) PNC Mortgage (Nationstar Mortgage), by certified mail, receipt number 7019 1640 0001 9682 3762, on April 9, 2020. (*See* Doc. No. 181-7, Certified Mail Domestic Return Receipt and Certified Mail Receipt).

On April 2, 2020, the Court entered an Amended Order of Forfeiture of Substitute Property, forfeiting all right, title and interest of Defendant Paula Kluding in the Real Property. On May 6, 2020, Petitioners Kaitlyn Alyssa Chambers and Dylan Chambers and Petitioner Christopher Kluding filed Petitions for Hearing to Adjudicate Third-Party Interests and Rights in Forfeited Property. On August 14, 2020, Plaintiff filed motions to dismiss both petitions. On October 6, 2020, the Court granted the Plaintiff's motions to dismiss and denied the petitions filed by Petitioners Kaitlyn Alyssa Chambers and Dylan Chambers and Petitioner Christopher Kluding.

Nationstar Mortgage filed an online Petition for Remission as a victim. This does not impact whether the Court may enter a final order of forfeiture. The Attorney General

to the Chief of the Money Laundering and Asset Recovery Section (MLARS) will determine whether the victim may receive compensation through the petition for remission process.

The Court finds that Plaintiff has complied with all notice requirements and that no other third-party interest remains to be adjudicated through the ancillary process as provided by 21 U.S.C. § 853(n). Therefore, any third-party interests are barred by failure of those parties to file a timely petition.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that the right, title and interest to the real property located at 335742 E Highway 62, McLoud, Oklahoma, 74851; Parcel No. 0000-18-12N-03E-4-002-00; real property located at E Highway 62, McLoud, Oklahoma, 74851; Parcel No. 0000-18-12N-03E-3-001-00; real property located at E Highway 62, McLoud, Oklahoma, 74851; Parcel No. 0000-18-12N-03E-4-001-00; and real property located at W Highway 62, McLoud, Oklahoma, 74851; Parcel No. 9295-00-000-001-0-000-00, all of which are described above, is hereby condemned, forfeited and vested in the United States of America, free and clear of the claims of any person, including, Paula Kluding, and shall be disposed of according to law.

That upon entry of this order, the Federal Bureau of Investigation, United States Marshal's Service, or other appropriate federal agency, is directed to deliver the above-described property to the United States of America for disposition according to law.

IT IS FURTHER ORDERED that the United States District Court shall retain jurisdiction in the case for the purposes of enforcing this Order.

IT IS SO ORDERED this 14th day of October 2020.



ROBIN J. CAUTHRON
United States District Judge